

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 176

HOUSE BILL 2627

AN ACT

AMENDING SECTION 41-2954, ARIZONA REVISED STATUTES; RELATING TO LEGISLATIVE
COMMITTEES OF REFERENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2954, Arizona Revised Statutes, is amended to
3 read:

4 41-2954. Committees of reference; membership; performance
5 review reports; hearings; recommendations; subpoena
6 powers

7 A. Each standing committee of both legislative houses shall appoint a
8 subcommittee of five members. Not more than three appointees of each house
9 shall be of the same political party. The subcommittees shall jointly
10 constitute a committee of reference in their respective subject matter areas.

11 B. After receipt of the preliminary sunset review report, the
12 committee of reference shall hold at least one public hearing to receive
13 testimony from the public and from the officials of the agency involved. The
14 agency involved shall prepare a presentation for the first public meeting
15 that addresses the elements of the written statement required by subsection
16 F.

17 C. The committee of reference shall hold public hearings for the
18 following purposes:

19 1. To determine the actual need of the agency to regulate or direct
20 the particular activity.

21 2. To determine the extent to which the statutory requirements of the
22 agency are necessary and are being met.

23 3. To receive testimony from the public as to the relationship of the
24 agency with the public.

25 4. To receive testimony from the executive director or other head of
26 the agency as to reasons for the continuation of the agency.

27 D. The committee of reference shall consider but not be limited to the
28 following factors in determining the need for continuation or termination of
29 each agency:

30 1. The objective and purpose in establishing the agency AND THE EXTENT
31 TO WHICH THE OBJECTIVE AND PURPOSE ARE MET BY PRIVATE ENTERPRISES IN OTHER
32 STATES.

33 2. The ~~effectiveness~~ with EXTENT TO which the agency has met its
34 STATUTORY objective and purpose and the efficiency with which it has
35 operated.

36 3. ~~The extent to which the agency has operated within the public~~
37 ~~interest.~~

38 3. THE EXTENT TO WHICH THE AGENCY SERVES THE ENTIRE STATE RATHER THAN
39 SPECIFIC INTERESTS.

40 4. The extent to which rules adopted by the agency are consistent with
41 the legislative mandate.

42 5. The extent to which the agency has encouraged input from the public
43 before adopting its rules and the extent to which it has informed the public
44 as to its actions and their expected impact on the public.

1 6. The extent to which the agency has been able to investigate and
2 resolve complaints that are within its jurisdiction.

3 7. The extent to which the attorney general or any other applicable
4 agency of state government has the authority to prosecute actions under the
5 enabling legislation.

6 8. The extent to which agencies have addressed deficiencies in their
7 enabling statutes ~~which~~ THAT prevent them from fulfilling their statutory
8 mandate.

9 9. The extent to which changes are necessary in the laws of the agency
10 to adequately comply with the factors listed in this subsection.

11 10. The extent to which the termination of the agency would
12 significantly ~~have~~ AFFECT the public health, safety or welfare.

13 11. The extent to which the level of regulation exercised by the agency
14 COMPARES TO OTHER STATES AND is appropriate and whether less or more
15 stringent levels of regulation would be appropriate.

16 12. The extent to which the agency has used private contractors in the
17 performance of its duties AS COMPARED TO OTHER STATES and how MORE effective
18 use of private contractors could be accomplished.

19 13. THE EXTENT TO WHICH THE AGENCY POTENTIALLY CREATES UNEXPECTED
20 NEGATIVE CONSEQUENCES THAT MIGHT REQUIRE ADDITIONAL REVIEW BY THE COMMITTEE
21 OF REFERENCE, INCLUDING INCREASING THE PRICE OF GOODS, AFFECTING THE
22 AVAILABILITY OF SERVICES, LIMITING THE ABILITIES OF INDIVIDUALS AND
23 BUSINESSES TO OPERATE EFFICIENTLY AND INCREASING THE COST OF GOVERNMENT.

24 E. The committee of reference shall deliver the final sunset review
25 report of its recommendations to the committee, the president of the senate,
26 the speaker of the house of representatives, the governor, the auditor
27 general and the affected agency by December 1. Such recommendations shall
28 include one of the following:

29 1. That the state agency be continued.

30 2. That the state agency be revised or consolidated.

31 3. That the state agency be terminated pursuant to this chapter.

32 F. The final sunset review report by the committee of reference shall
33 also include a written statement prepared by the agency involved that
34 contains:

35 1. An identification of the problem or the needs that the agency is
36 intended to address.

37 2. A statement, to the extent practicable, in quantitative and
38 qualitative terms, of the objectives of such agency and its anticipated
39 accomplishments.

40 3. An identification of any other agencies having similar, conflicting
41 or duplicate objectives, and an explanation of the manner in which the agency
42 avoids duplication or conflict with other such agencies.

43 4. An assessment of the consequences of eliminating the agency or of
44 consolidating it with another agency.

1 G. The committee shall oversee the preparation of any proposed
2 legislation to implement the recommendations of the committees of reference
3 and is responsible for the introduction of such legislation.

4 H. If an agency is continued, it is not necessary to reappoint any
5 member of the governing board or commission of the agency. Such members are
6 eligible to complete their original terms without reappointment or
7 reconfirmation.

8 I. Each committee of reference shall have the power of legislative
9 subpoena pursuant to chapter 7, article 4 of this title.

APPROVED BY THE GOVERNOR APRIL 19, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.

Passed the House March 3, 20 11

by the following vote: 39 Ayes,

18 Nays, 3 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 12, 20 11

by the following vote: 20 Ayes,

2 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmion Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

14 day of April, 20 11

at 8:32 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 19th day of

April

at 10:00 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of April, 20 11

at 11:12 o'clock a M.

[Signature]
Secretary of State

H.B. 2627